

1 SENATE BILL 575

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Joseph Cervantes

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10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; INCREASING THE MINIMUM
12 INSTRUCTIONAL HOURS IN A SCHOOL YEAR; RECONCILING MULTIPLE
13 AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2011.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 22-2-8.1 NMSA 1978 (being Laws 1986,
17 Chapter 33, Section 2, as amended by Laws 2011, Chapter 35,
18 Section 1 and by Laws 2011, Chapter 154, Section 1) is amended
19 to read:

20 "22-2-8.1. SCHOOL YEAR--~~[LENGTH OF SCHOOL DAY]~~ MINIMUM
21 INSTRUCTIONAL HOURS.--

22 A. ~~[Except as otherwise provided in this section,~~
23 ~~regular students shall be in school directed programs,~~
24 ~~exclusive of lunch, for a minimum of the following:~~

25 ~~(1) kindergarten, for half-day programs, two~~

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1 ~~and one-half hours per day or four hundred fifty hours per year~~
2 ~~or, for full-day programs, five and one-half hours per day or~~
3 ~~nine hundred ninety hours per year;~~

4 ~~(2) grades one through six, five and~~
5 ~~one-half hours per day or nine hundred ninety hours per year;~~
6 and

7 ~~(3) grades seven through twelve, six hours per~~
8 ~~day or one thousand eighty hours per year] In a school year,~~
9 public school students shall be in school-directed programs,
10 exclusive of lunch, for the following minimum instructional
11 hours:

12 (1) for students in kindergarten attending
13 half-day programs, five hundred instructional hours and, for
14 students in kindergarten attending full-day programs, one
15 thousand one hundred instructional hours;

16 (2) for students in grades one through six,
17 one thousand one hundred instructional hours; and

18 (3) for students in grades seven through
19 twelve, one thousand two hundred instructional hours.

20 B. For a school that follows a regular school year
21 calendar, a school year consists of a minimum of two hundred
22 instructional days that provide the minimum instructional hours
23 established in Subsection A of this section. For a school that
24 follows a variable school calendar pursuant to the Variable
25 School Calendar Act, the department shall approve a school's

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1 requested length and number of instructional days in a school
2 year that provides the minimum instructional hours established
3 in Subsection A of this section.

4 [B-] C. The following school-directed programs may
5 count toward the calculation of the minimum instructional hours
6 in a school year:

7 (1) up to thirty-three hours of the full-day
8 kindergarten program may be used for home visits by the teacher
9 or for parent-teacher conferences;

10 (2) up to twenty-two hours of grades one
11 through six programs may be used for home visits by the teacher
12 or for parent-teacher conferences; and

13 (3) up to twelve hours of grades seven through
14 twelve programs may be used to consult with parents to develop
15 next step plans for students and for parent-teacher
16 conferences.

17 D. Days or hours when no instruction is given due
18 to weather, in-service training, teacher planning and
19 preparation or other events that are not school-directed
20 programs shall not count toward the calculation of minimum
21 instructional hours.

22 [G-] E. Nothing in this section precludes a local
23 school board or the governing body of a charter school from
24 ~~[setting a school year or the length of school days in excess~~
25 ~~of] increasing the number of minimum [requirements]~~

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1 instructional hours established [~~by Subsection A of~~] in this
2 section.

3 ~~[D. The secretary may waive the minimum length of~~
4 ~~school days in those school districts where such minimums~~
5 ~~would create undue hardships as defined by the department as~~
6 ~~long as the school year is adjusted to ensure that students~~
7 ~~in those school districts receive the same total~~
8 ~~instructional time as other students in the state.~~

9 ~~G.]~~ F. Notwithstanding any other provision of
10 this section, provided that instruction occurs
11 simultaneously, time when breakfast is served or consumed
12 pursuant to a state or federal program shall be deemed to be
13 time in a school-directed program [~~and is part of the~~
14 ~~instructional day~~] that counts toward the calculation of
15 minimum instructional hours."

16 SECTION 2. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2013.